

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**CARL WEIDENHOF, et al.,  
Plaintiffs**

**v.**

**ZIMMER INC., et al.,  
Defendants**

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**No. 1:16-cv-02105**

**(Judge Kane)  
(Magistrate Judge Arbuckle)**

**ORDER**

Before the Court is the December 28, 2018 Report and Recommendation of Magistrate Judge Arbuckle (Doc. No. 65), recommending that this Court grant Defendants' motion to dismiss Plaintiffs' second amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. No. 62), by operation of Local Rule 7.6, and because dismissal of the second amended complaint is warranted pursuant to Federal Rule of Civil Procedure 41(b) (Doc. No. 65 at 11, 14). No timely objections to the Report and Recommendation have been filed.

**AND SO**, on this 25th day of January 2019, upon independent review of the record and the applicable law, **IT IS ORDERED THAT:**

1. The Court **ADOPTS** the Report and Recommendation of Magistrate Judge Arbuckle (Doc. No. 65), insofar as it recommends dismissal of Plaintiffs' second amended complaint pursuant to Federal Rule of Civil Procedure 41(b);
2. Defendants' motion to dismiss Plaintiffs' second amended complaint (Doc. No. 62), is **GRANTED**;
3. Plaintiffs' second amended complaint (Doc. No. 61), is **DISMISSED WITH PREJUDICE**; and
4. The Clerk of Court is directed to **CLOSE** the above-captioned case.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania